

REMARKS

The present Office Action addresses and rejects claims 1-4, 6-13, 15, and 16. Reconsideration is respectfully requested in view of the amendments and remarks submitted herein.

At the outset, Applicants thank the Examiner for extending the courtesy of a telephone interview to the Applicants undersigned representative on August 9, 2006. In the interview, the Examiner agreed that the proposed amendments to claims 1 and 13 appear to distinguish over the cited prior art.

Amendments to the Claims

Applicants amend independent claim 1 to recite that the first and second members include first and second insulative tissue-opposing portions, respectively, and that the first and second tissue-contacting conductive elements extend along a length of the first and second tissue-opposing portions, respectively. Claim 1 is also amended to clarify that the tissue-contacting conductive elements have a substantially circular *cross-sectional* shape. Support for these amendments can be found throughout the specification, for example, in paragraph 0044 of the published application. Dependent claims 4 and 6-10 are amended to correspond to amended claim 1, and to correct minor informalities. No new matter is added.

Independent claim 13 is amended to recite that the first member has first and second tissue-contacting conductive elements extending along a length thereof, and that the second member includes a third tissue-contacting conductive element extending along a length thereof. Claim 13 is also amended to clarify that the tissue-contacting conductive elements each have a substantially circular *cross-sectional* shape. Support for this amendment can also be found throughout the specification, for example, in paragraph 0044 of the published application. Dependent claim 16 is amended to recite that the first, second, and third tissue-contacting conductive elements are at least partially surrounded by an insulative coating. Support for this amendment can be found throughout the specification, for example, in paragraph 0045 of the published application. No new matter is added.

Rejections

The Examiner rejects claims 1-4, 7, 8, 10, 13, and 15 pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,511,480 of Tetzlaff et al. As noted above, the Examiner has agreed that the proposed amendments to the claims appear to overcome this rejection. Tetzlaff does not teach conductive elements that have a substantially circular cross-sectional shape. Rather, as shown in FIG. 6 of Tetzlaff, the conductive element (126) has a substantially square or rectangular cross-sectional shape. No portion of the conductive element (126) is circular. Tetzlaff also does not teach two conductive elements extending along a length of a member, as further required by claim 13. Tetzlaff merely has one conductive element on each jaw. Independent claims 1 and 13 therefore distinguish over Tetzlaff and represent allowable subject matter. Dependent claims 2-4, 7, 8, 10, and 15 are allowable at least because they depend from an allowable base claim.

The Examiner also rejects claim 6 pursuant to 35 U.S.C. §103(a) as being obvious over Tetzlaff in view of U.S. Patent No. 6,514,252 of Nezhat et al., and claim 9 pursuant to 35 U.S.C. §103(a) as being obvious over Tetzlaff in view of U.S. Patent No. 6,511,480 of Swanson et al. Claims 6 and 9 depend from claim 1, which distinguishes over Tetzlaff for reasons indicated above. Accordingly, claims 6 and 9 are allowable at least because they depend from allowable claim 1.

Conclusion

Applicants submit that all pending claims are in condition for allowance and allowance thereof is respectfully requested. Applicants encourage the Examiner to telephone the undersigned in the event that such communication might expedite prosecution of this matter.

Respectfully submitted,

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Lisa Adams, Reg. No. 44,238
Attorney for Applicants

NUTTER, McCLENNEN & FISH, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210
Tel: (617)439-2550
Fax: (617)310-9550